

By: Keffer

H.B. No. 1902

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to regulate outdoor lighting near astronomical observation facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter B, Chapter 240, Local Government Code, is amended to read as follows:

SUBCHAPTER B. OUTDOOR LIGHTING NEAR ASTRONOMICAL OBSERVATION FACILITIES, OBSERVATORIES, AND MILITARY INSTALLATIONS

SECTION 2. Section 240.031, Local Government Code, is amended by adding Subdivision (5) to read as follows:

(5) "Astronomical observation facility" means a facility, including a park or recreational area, that is established and maintained in part to conduct educational and recreational observations of astronomical phenomena.

SECTION 3. Section 240.032, Local Government Code, is amended by adding Subsection (b-2) and amending Subsection (c) to read as follows:

(b-2) This subsection applies only to a county with a population of more than 40,000 that is authorized to regulate development for the purpose of encouraging recreation under Chapter 231 and that has at least one astronomical observation facility. The commissioners court of a county may adopt orders regulating the installation and use of outdoor lighting within two miles of an astronomical observation facility.

(c) The orders must be designed to protect against the use of outdoor lighting in a way that interferes with educational, recreational, or scientific astronomical research of the astronomical observation facility or observatory or military and training activities of the military installation, base, or camp. In the orders, the commissioners court may:

(1) require that a permit be obtained from the county before the installation and use of certain types of outdoor lighting in a regulated area;

(2) establish a fee in an amount to cover the costs of administering the order for the issuance of the permit;

(3) prohibit the use of a type of outdoor lighting that is incompatible with the effective use of the astronomical observation facility, observatory, or military installation, base, or camp;

(4) establish requirements for the shielding of outdoor lighting; and

(5) regulate the times during which certain types of outdoor lighting may be used.

SECTION 4. Section 240.033, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioners court of a county authorized under Section 240.032(b-2) to adopt orders regulating the installation and use of outdoor lighting near an astronomical observation facility may adopt orders establishing standards relating to proposed subdivisions located within two miles of an astronomical observation facility in order to minimize the interference with

1 astronomical observation facility activities caused by outdoor  
2 lighting. The commissioners court may not approve a plat of a  
3 proposed subdivision that does not meet the standards.

4         SECTION 5. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2011.